



CITY OF
REEDSBURG
POLICE DEPARTMENT

TIMOTHY M. BECKER
CHIEF OF POLICE

200 SOUTH PARK STREET • REEDSBURG, WI 53959
PH: (608) 524-2376 • FAX: (608) 524-2925 • www.reedsburgwi.gov

July 2009

The Reedsburg Police Department attempts to collect all Insufficient Funds or Account Closed Checks. This is a difficult and expensive procedure, due to the varied methods used in cashing and collecting of Worthless Checks by various merchants.

The Reedsburg Police Department's intent is to provide a service to all merchants in the city of Reedsburg by implementation of firm guidelines to be used by all merchants. These guidelines must be followed for the Reedsburg Police Department to successfully assist the merchants with collection of Insufficient Funds or Account Closed checks. The Reedsburg Police Department will not be able to assist those individuals or businesses who choose not to use the following policy.

After an Insufficient Funds or Account Closed check has been turned into the Reedsburg Police Department for collection, the issuer will receive a letter requesting restitution and a Notice to Appear, charging them with city ordinance 9.04(N), Issue Worthless Check. This city ordinance has a forfeiture of \$303.00.

In the event the issuer chooses to ignore our correspondence and their court date passes, the City Attorney will ask the Court for full restitution.

The Courts can impose penalties for bond amounts and restitutions not paid. The Courts may suspend the issuers driver's license until these amounts are paid. It is worth noting that the issuer has the option of arranging a payment plan with the Reedsburg Municipal Court Clerk. The Reedsburg Municipal Court Clerk issues restitution checks, full or partial restitution, to merchants once a month.

Although we have attached form letters for your review, we encourage you to contact your attorney if you have any questions.

Enclosure:

1. Merchants 10 day letter (sample)
2. Merchants affidavit of mailing (sample)
3. Reedsburg Police Department's letter to check issuer (sample)

October 2008

**REEDSBURG POLICE DEPARTMENT
INSUFFICIENT FUND POLICY**

Intent:

- 1) To provide a city wide procedure for the cashing of checks at all local merchants.
- 2) To assure positive identification of all persons cashing checks.
- 3) To use these procedures to attempt collection of all checks returned to a merchant as Non-Sufficient funds or Account closed.
- 4) To distinguish between Insufficient Funds and checks dishonored for other reasons.

MERCHANT RESPONSIBILITY:

- 1) To obtain positive proof of identification of the person cashing a check at the merchants place of business.
 - a. Obtain and write upon the face of the check the driver's license number of such person cashing the check. If the person cashing a check does not have a driver's license, obtain the person's full name and date of birth as follows: complete first name (Kathleen not Kathy) middle initial, last name (proper spelling) and date of birth (xx/xx/xx - month/day/year).
 - b. Verify by photo identification. If a person can not provide positive proof of identification, **DO NOT ACCEPT THEIR CHECK.**

- 2) Any check returned to a merchant as Insufficient Funds, must be presented to the financial institution and stamped as Insufficient Funds/Account Closed.
- 3) The merchant must send a 10 day notice to the issuer of the NSF or Account Closed check by regular or certified mail, at the issuer's last known address or the address on the check.
- 4) The merchant must provide either an affidavit of mailing or a certificate of mailing of the 10 day notice required in number 3 above. If regular mail is used, an affidavit of mailing is required. If certified mail is used, a certificate of mailing, provided by the post office, is required.
- 5) The merchant must furnish the Reedsburg Police Department with the Worthless Check marked by the bank as, "Insufficient Funds", or "Account Closed", along with a processing fee set by the Chief of Police and proof of compliance of number 4 above. The fee will be \$10.00.

REEDSBURG POLICE DEPARTMENT'S RESPONSIBILITY:

- 1) Assure that the merchant has completed his obligations as described.
- 2) Reedsburg Police Department will send a letter, and a city script charging the issuer of the worthless check with city ordinance 9.04(N), "Issue Worthless Check", via U.S. mail.

ADDENDUM TO INSUFFICIENT FUND POLICY

Reedsburg Police Department Responsibility:

The City Attorney will prosecute all cases of Insufficient Funds or Account Closed checks, regardless of the amount of the check, under City Ordinance.

Officer Discretion:

If the check is \$2,500.00 or more, or an aggregate total of \$2,500.00 or more within a 90 day period, the officer may choose to prosecute criminally, through the District Attorney's Office.

City Ordinance:

- 1) Assure that the merchants have completed their obligations as described and paid their fees.
- 2) Issue a "Notice of Appearance", city ordinance violation, 9.04(N), "Issue Worthless Check", bond \$303.00 by mail.
- 3) Provide all documentation and affidavits of mailing to the City Attorney for prosecution.

MERCHANT'S LETTERHEAD
NOTICE OF NON-SUFFICIENT FUNDS

Date: _____

Dear _____

On _____(date)_____ you presented _____(merchant name)_____ with check number(s) _____ in the amount(s) of _____. The check was drawn on _____(bank name)_____ and authorized by your signature. Your bank returned this check as, "Not Paid - Non-Sufficient Funds", or "Account Closed".

This is a violation of State Statute 943.245 which, in part, provides for the recovery of said check(s) amount plus pecuniary loss in an amount not to exceed \$500.00 and may also constitute a criminal offense.

If this check(s) is paid for in full, in the form of cash or money order, at _____(merchant)_____ within the next 10 days, no further action will be taken and you may pick up your check(s) from our manager during normal business hours. Otherwise we will have no alternative but to pursue other more formal methods of collection.

Sincerely,

MERCHANT'S LETTERHEAD

AFFIDAVIT OF MAILING

I hereby certify that on ____ (date) ____ I did mail,
by regular mail/certified mail (circle one) the original notice
of the attached Non-Sufficient Fund or Account Closed letter
to _____. A copy is hereby attached.

(Attach certificate of mailing, if certified mailing is used)

Signed _____

Date _____